

ORIGINAL
BEFORE THE

POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

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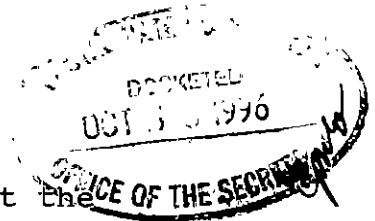
POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

SPECIAL SERVICES REFORM, 1996

Docket No. MC96-3

DOUGLAS F. CARLSON
MOTION TO BE EXCUSED
FROM ORAL CROSS-EXAMINATION
ON MY DIRECT TESTIMONY

October 25, 1996



I, Douglas F. Carlson, hereby request that the Commission excuse me from appearing in person for oral cross-examination on my testimony in MC96-3.

On September 25, 1996, I filed testimony concerning the Postal Service's proposed nonresident post-office-box fee. My testimony explains my reasons for using a nonresident box and the reasons why my friend Valerie J. Horwitz also has a nonresident box. In addition, my testimony summarizes letters in the Commission's Commenter File from Mr. Stephen Holstein and Congressman Mike Doyle, both of whom oppose the proposed nonresident fee.

On October 4, 1996, the Postal Service filed a set of interrogatories directed to me (USPS/DFC-1-9). I served my responses on October 14, and the Commission received the responses on October 17. On October 21, David B. Popkin served a set of interrogatories directed to me (DBP/DFC-1-6). I am mailing responses to Mr. Popkin's interrogatories

on October 26. My answers to all interrogatories are complete, detailed, and responsive to the questions.

I had been planning to travel to Washington for oral cross-examination in November. Since air fares are considerably lower on the weekend, I was planning to request that the Commission schedule me for cross-examination on Monday, November 18 so that I could fly to Washington on Saturday and return to California on Monday evening. Unfortunately, an important meeting at work has been scheduled for November 18, and I must make a presentation at this meeting. The cost of flying from California to Washington mid-week is prohibitive, since I am using my own, personal funds for all activities related to my participation in this case. Moreover, I cannot take more than one day off work because the work load will be intense in my office during mid-November.

Immediately after I discovered this scheduling conflict, I telephoned Mr. Rubin, counsel for the Postal Service, on October 21 to discuss whether the Postal Service would be satisfied to submit future cross-examination to me in writing. On October 22, I faxed Mr. Rubin a copy of my responses to Mr. Popkin's interrogatories, three days before I mailed them to the Commission. When Mr. Rubin and I spoke again on October 24, he informed me that the Postal Service was not yet able to decide whether it would support my request to be excused from oral cross-examination. The OCA

and Mr. Popkin have already indicated a willingness to submit future questions to me in writing. I have not contacted other participants, since none of the other participants has, to date, expressed concern with my testimony. I do not know whether the Commission plans to ask me questions from the bench.

Section 4(A) of the Special Rules of Practice indicates that written cross-examination should be used as a substitute for oral cross-examination whenever possible. The responsive answers that I have provided so far to all interrogatories strongly suggest that future cross-examination also can satisfactorily and sufficiently be performed in writing. For this reason, and given the nature of my testimony, my distance from Washington, the expense of travelling to Washington, and the constraints imposed by my schedule at work, I respectfully request that the Commission excuse me from oral cross-examination on my testimony, on the condition that I continue to provide responsive answers to written interrogatories. If the Commission decides to excuse me from oral cross-examination, I would support an extension of the deadline for filing interrogatories directed to me, assuming that at least one other party responds to this motion and requests an extension. I believe that November 15 would be a fair deadline for filing interrogatories directed to me.

If the Commission decides not to excuse me from oral cross-examination, I would like to ask, in the alternative, that the Commission consider the feasibility of conducting oral cross-examination by telephone speakerphone hookup on November 19, 20, 21, or 22, preferably commencing at 9:30 AM Eastern time.

Lastly, if neither of the preceding options is acceptable, I might be able to attend a hearing on Monday, November 2⁵~~4~~.

Respectfully submitted,

Dated: October 25, 1996



DOUGLAS F. CARLSON

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the required participants of record in accordance with section 12 of the Rules of Practice.



DOUGLAS F. CARLSON

October 25, 1996
Emeryville, California